

REMARKS

Claims 1-7, 9-12, 14, 15 and 17 are pending in the instant application. Claim 1 has been amended to further define the features of the invention. Specifically, Claim 1 has been amended to include the limitations of original claims 8 and 13 and to delete hydrogen from the definition of R¹. Support for this amendment can be found throughout the specification and claims as originally filed. No new matter has been added.

Claims 6, 7 and 17 are currently withdrawn. Applicants also note that the Examiner has stated that Claims 1-5 and 8-15 have been examined to the extent that they are readable on the elected embodiment, the compound of Example 7 and 4-methyl-2-naphthalene-1-yloxymethyl-morpholine.

The Examiner also states that the Elected Species of Example 7 is allowable but that the expanded scope is not for the reasons described below. As such, the Examiner has requested limitation to the Elected Species of Example 7. Applicants respectfully thank the Examiner for finding the Species of Example 7 allowable, but respectfully decline to limit the claims to such scope at this time.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the objections to and the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is believed to be in condition for allowance.

Rejections under 35 U.S.C. §102(b)

Claims 1-3, 11-13 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by Greenwood et al. *Journal of Medicinal Chemistry*, 1975, 18(6), 573-577 (“Greenwood”). Applicants respectfully disagree and traverse the rejection.

The Examiner alleges that Greenwood et al. discloses a number of 2-(naphtoxymethyl)-2,3,5,6-tetrahydro-1,4-oxanes which possess antidepressant properties. The Examiner specifically points to Example 15 (4-methyl-2naphthalene-1-yloxymethyl-morpholine) which allegedly corresponds "to Applicants' claimed invention wherein R1 is a hydrogen atom; X1, X2, X3, X4 and X5 are each CH; A is an oxygen atom; n is 1; Cy is heterocycloalkylene, specifically morpholinyl; m is 0 and R3 is an alkyl radical, specifically methyl."

As stated above, Claim 1 has been amended to include the limitations of original claims 8 and 13 and to delete hydrogen from the definition of R¹. Applicants note that Claim 8 was not rejected by the Examiner over Greenwood.

As neither Example 15 of Greenwood nor any of the compounds disclosed by Greenwood are encompassed by the amended claims, Greenwood can not anticipate the claimed invention.

As such, Applicants respectfully request that the rejections of the claims under 35 U.S.C. § 102(b) be withdrawn.

Furthermore, as Applicants have overcome the rejection of the Markush-type claim to exclude the species anticipated or rendered obvious by the prior art, Applicants again respectfully request the Examiner broaden the search scope to the extent necessary to determine patentability of the Markush-type claim and reexamine the Markush-type as described M.P.E.P §803.02

CONCLUSION

In view of the foregoing, reconsideration and withdrawal of all rejections, and allowance of the instantly claimed invention is earnestly solicited. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at the telephone number below.

PETITION FOR EXTENSION AND FEE AUTHORIZATION

Applicants request a two month extension for filing the within response. The Commissioner is hereby authorized to charge Deposit Account No. 04-1105 for the extension fee, the RCE fee and for any additional fee(s) due with this response. Any overpayment should be credited to the noted Deposit Account.

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Respectfully submitted,

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